

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

MCCAIN-PALIN, 2008, INC.

Plaintiffs,

v.

Case No. 3:08cv709

JEAN CUNNINGHAM, *et al.*,

Defendants.

MOTION FOR SUMMARY JUDGMENT

The defendants, Jean Cunningham, Nancy Rodrigues, and Harold Pyon, being the members of the Virginia Board of Elections, sued in their official capacity, the Virginia State Board of Elections, and the Commonwealth of Virginia, hereby move for summary judgment against Intervenor United States of America, for the reasons set forth in the accompanying memorandum of law.

JEAN CUNNINGHAM, *et al.*

By /s/
Counsel

Robert A. Dybing, VSB No. 32712
John A. Gibney, Jr., VSB No. 15754
ThompsonMcMullan, P.C.
100 Shockoe Slip
Third Floor
Richmond, Virginia 23219
Telephone: (804)649-7545
Fax: (804)780-1813
Email: rdybing@t-mlaw.com
jgibney@t-mlaw.com

Counsel for Jean Cunningham, Nancy Rodrigues, and Harold Pyon, being the members of the Virginia State Board of Elections sued in their official capacity; Virginia State Board of Elections; and the Commonwealth of Virginia, Defendants

Certificate of Service

I certify that on July 17, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to:

CHRISTOPHER COATES

Chief

REBECCA J. WERTZ

Deputy Chief

RICHARD DELLHEIM

LEMA BASHIR

Trial Attorneys

United States Department of Justice

Civil Rights Division, Voting Section

950 Pennsylvania Ave., NW

Room NWB-7254

Washington, D.C. 20530

Phone: (202) 305-0063

Fax: (202) 307-3961

rebecca.j.wertz@usdoj.gov

lema.bashir@usdoj.gov

Counsel for Intervenor United States of America

By: /s/_____

Robert A. Dybing, VSB No. 32712

John A. Gibney, Jr., VSB No. 15754

Counsel for Defendants

ThompsonMcMullan, P.C.

100 Shockoe Slip, Third Floor

Richmond, Virginia 23219

(804)649-7545

Fax: (804)780-1813

rdybing@t-mlaw.com

jgibney@t-mlaw.com